

REMARKS

In the Office Action, the drawings were objected to under 37 CFR 1.84(h)(3) and 37 CFR 1.83(a). Claims 1 and 41 were objected to. Claims 13-19, 27-33 and 43-44 were rejected under 35 USC §112, first paragraph. Claims 1, 6-7, 10-12, 21, 26-33, 35-37, 42-44 were rejected under 35 USC §112, second paragraph. Claims 1, 6-7, 11-12, 21 and 26 were rejected under 35 USC §102(b) as being anticipated by Smith. Claims 1, 6-7, 11-12, 21 and 26 were rejected under 35 USC §102(e) as being anticipated by Yang. Claims 1, 7, 10, 13, 16, 18-19, 21, 26-30, 33, 42-44 were rejected under 35 USC §102(b) as being anticipated by Gustafson. Claims 36-37 were rejected as being unpatentable over Smith and further in view of Abert. Claims 14-15, 31-32 and 35 were indicated to be allowable if rewritten to overcome the rejection under 35 USC §112, first and second paragraphs.

Re. paragraph 1:

Figure 4 is not a sectional view, but as described in the Amendment filed October 28, 2003, is a detail of a spacer placed between waterproof material 21 and breathing material 22 as shown in Figure 2. A proposed correction to Fig. 2 is attached which includes two spacers in their described location.

Re. paragraph 2:

The feature of "detachable mounting a covering panel... so that it is at least partially detachable..." is shown in Fig. 1, because covering panels 16 are shown which can be pulled away from the supporting fabric of the basic panel by means of "expanders" 17 or guy ropes. Please refer to page 11, from line 11, of the specification. Further, Fig. 1 shows roof panel 7 with zippers or the like at 7a-7d along its edges, so that panel 7 is removable. Please refer to page 7, lines 4-10 of the specification. In addition, claim 1 has been amended to remove "detachably" mounting.

Still further, Fig. 1 at 19 shows a wall panel which is "stretched out". What is shown is that the covering panel 19 may be detached from the basic tent except (in this example) along its upper edge, in order to be able to swing the panel outward and fix it in that position by guy ropes or the like.

The different material feature is disclosed in the specification. Line 10 in Fig. 3 (representing inner roof panel 10) has been replaced by a dotted line to avoid this informality.

As regards the gap, this is shown at 11 both in Fig. 1 and Fig. 3 and also in Fig. 2 in its amended form. Fig. 2 even now shows the spacers maintaining the gap.

A covering panel (panel 7 in Fig. 1) is shown which is completely removable, and also for a double walled design having an outer panel (7) and an inner panel (10). The hollow appearance is

obtained by a specific way of cutting the panel which is known in the art and is clearly shown in Fig. 1 and Fig. 3.

Claims 19 and 36 have been cancelled.

Re. paragraph 3:

The informalities in the claims have been corrected in accordance with the Examiner's suggestions.

Re. paragraph 5:

The Examiner in this paragraph has suggested that the specification is not enabling with respect to claims 13-19, 27-33 and 43, 44.

Please note in this respect that on page 6 from line 22 the roof is described as having a central section 7 and two side sections 8 and 9, one or more of which may be detachably connected to the other sections and/or the adjoining walls. Thus, such a panel may be easily detached and removed for cleaning or replacement.

Then, on page 7, from line 11, it has been explained that the roof may have an inner roof and an outer roof. "Inner" and "outer" are meant as adjacent to the inner space of the tent and adjacent to the open air, as opposed to the expressions "central section" and "side section" which do not as such refer to a double walled design including one or more outer roof panels above one or

more inner roof panels. This position of an outer roof section (or panel) 7 above an inner roof section (or panel) 10 is described on page 7, line 24-page 8, line 1, and has been shown in Fig. 1 showing a gap 11 between upper section 7 above inner section 10.

Further, page 8, last paragraph again refers to outer panel 7 located above the inner roof panel.

Item 7 has been described as central section of the roof, and as outer roof panel, whereas item 10, which in the drawings clearly is located beneath panel 7, has been described as inner roof panel.

Re. paragraph 6:

The specification and drawings are intended to convey the notion of a tent (basic or inner tent) made of breathing material, which is covered on its exterior by weather resistant material. Thus the covering panels are placed over the basic tent panels. A basic panel covered by a covering panel generally would at least partly be made from air-permeable material, in order to obtain the desired breathing capacity. The air-permeable material is air-permeable tent cloth as opposed to mosquito netting. Mosquito netting is not a tent clot even though it may be used in tents.

"Air-permeable" has been replaced by "breathing", because breathing clearly defines the intended aspect of the inner tent

cloth being a closed material, which still would allow air to penetrate through it, like most traditional fabrics do.

Re. paragraph 7:

The Smith patent does not disclose using a basic tent construction of air-permeable tent cloth. Mosquito-netting in the art does not qualify as tent cloth.

Also, such net material would not qualify as being air-permeable, but simply is completely open to air. The expression air permeable would indicate that the cloth is a barrier for air, in other words, the cloth would be able to be penetrated by air with some difficulty. Please refer to Attachments A and B.

Air-permeable cloth would have a more or less closed surface and would be opaque, whereas mosquito-netting would be transparent and would have an open surface.

A net material would not be a real barrier. In fact the air would be able to flow mainly freely through the net material. The purpose of using a basic panel covered by a covering panel is to obtain a similar construction as a cavity wall of a building. In a cavity wall of a building both the inner wall and the outer wall are closed constructions having closed surfaces, even though windows and doors may be present. However, such closed constructions on a microscopic scale are not really closed, and do allow for instance transport of humidity. However, an inner wall

of a cavity wall could not be made of wire netting. In that case the intended effect of using a cavity wall would not be obtained.

Also, the cavity of a cavity wall of a building generally is ventilated. In a similar manner the gap interspace between basic (inner) panel and covering (outer) panel of a tent construction of the present invention can be ventilated by opening a zipper or the like to make the gap interspace accessible for surrounding air.

Thus the difference between air-permeable tent cloth on the one hand and open net material, as used in the Smith patent on the other hand, is a most important and inventive distinction between the present invention and the Smith patent.

Further, it is noted that the Smith patent does not specify a gap between inner and outer panels. Moreover, the Smith patent indicates that the top walls 2, which are the inner top walls, are of weak material (page 1, line 56).

This is also true for the front wall 3, because in accordance with page 1, lines 31, 32 front wall 3 is made of the same material as the top walls 2. In the present invention however the air-permeable material of a double walled tent is a strong woven fabric (page 9, last paragraph; page 11, lines 1-5, and lines 20-22), and not a weak net material.

Re. paragraph 8:

In connection with the Yang patent, similar arguments apply. Yang does not specify an inner wall panel made of air-permeable tent cloth, but a simple screen-like knitting fabric for the purpose of keeping mosquitoes and flies out, which however is an open material for air transport. Also Yang does not specify a gap between the inner panel and a covering panel. Further the knitting fabric of Yang does not have a supporting function as in claim 1.

Re. paragraph 9:

The Gustafson patent discloses a portable multi-purpose tent-like assembly having the general shape of a truncated cone cut in half and toppled over on its flat side formed by the plane of the cut. The upper part of the tent has a large roof opening which may be provided with either conventional canvas, nylon or the like to obtain a closed tent, or with a sheet of transparent material to obtain a kind of sun tanning booth, or with a mesh-like screen for admitting air but preventing insects from entering the tent. The canvas panel, the transparent panel and the screen are detachably mounted. The specification indicates, that it would be possible to use a transparent panel in combination with a mesh-like screen panel. The screen may either be used as an inner panel or as an outer panel. In the latter case the configuration is clearly

distinct from the present invention. In the former case similar arguments as used above in connection with the Smith patent apply.

Please note that in Gustafson a clear distinction is made between tent material, like canvas and nylon on the one hand, and a mesh-like screen for keeping insects out on the other hand. This clearly supports the position that in the art mosquito netting is not regarded as tent cloth material.

Re. paragraph 11:

This paragraph refers to Smith in view of Abert in relation to claims 36 and 37. Abert essentially discloses a single walled tent 14, even though in one embodiment, mentioned in column 2, lines 25-30, a conventional fly 12 is disposed in superimposed spaced relation over said tent 14. Abert discloses the material of tent 14 having insulating properties because of a foam layer 28 at the interior surface of the tent material. If Abert's teaching would be applied to Smith the mosquito netting of Smith would have to be provided with the insulating foam layer which obviously makes no sense at all. Moreover in that case there would still not be a gap between a thus obtained inner panel and an outer panel.

In claim 37 a layer of insulating material is provided under a covering panel. In that case the insulating material is located between an inner panel and an outer panel. This is not in any way suggested by Abert or by Abert in combination with Smith.

Re. paragraph 12:

The allowability of claims 14-15, 31-32 and 35 is noted.

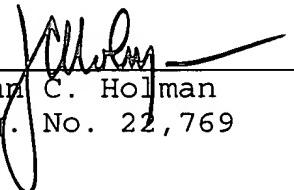
Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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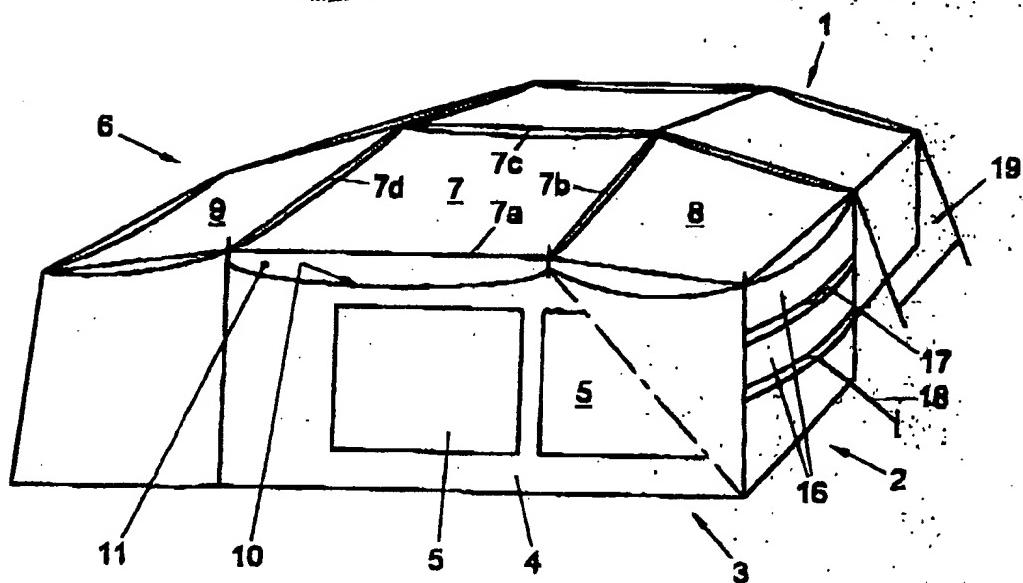


Fig. 1

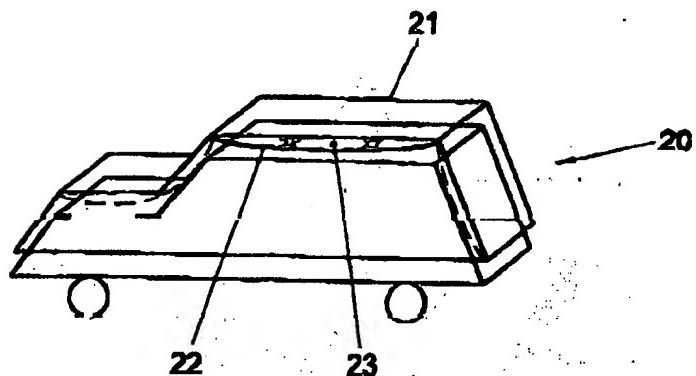


Fig. 2



Fig. 4

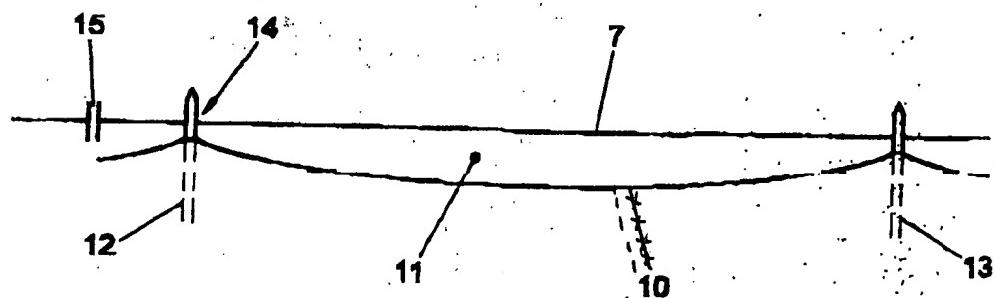


Fig. 3

ROTATED SHEET SHOWING CHANGES